

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of the Review of
Crown Simpson Pulp Co. and Louisiana-
Pacific Corporation Orders Nos. 76-133
(NPDES No. CA0005282) and 76-134
(NPDES No. CA0005894) of the California
Regional Water Quality Control Board,
North Coast Region.

Order No. WQ 77-6

BY BOARD VICE CHAIRMAN MAUGHAN:

On August 26, 1976, the California Regional Water Quality Control Board, North Coast Region (Regional Board) adopted waste discharge requirements (Orders Nos. 76-133, NPDES No. CA0005282 and 76-134, NPDES No. CA0005894) for Crown Simpson Pulp Co. (Crown Simpson) and Louisiana-Pacific Corporation (Louisiana-Pacific) (hereinafter sometimes collectively referred to as "dischargers"), respectively. On September 3, 1976, the United States Environmental Protection Agency (EPA) issued a letter of objection to the Regional Board orders prescribing waste discharge requirements for the dischargers. On October 7, and October 27, 1976, Crown Simpson and Louisiana Pacific, respectively, filed petitions in the Ninth Circuit Court of Appeal requesting the Court to overturn the action of the Administrator of EPA, Region IX, in objecting to the granting of a variance by the Regional Board. On October 21, 1976, the State Water Resources Control Board (State Board) adopted Resolution No. 76-108 to review the action of the Regional Board. On December 22, 1976, the State Board held a hearing regarding the establishment of appropriate waste discharge requirements for the dischargers.

I. BACKGROUND

The dischargers each operate bleached kraft pulp mills located on the Samoa Peninsula, on the west side of Humboldt Bay. Louisiana-Pacific also operates a saw and plywood mill at this location. Louisiana-Pacific was formed in September 1972 from a portion of Georgia-Pacific Corporation.

Each pulp mill produces about 600 air dry tons per day of bleached kraft pulp. The Louisiana-Pacific saw mill produces about 500,000 board feet per day of lumber. Each mill primarily discharges through a separate ocean outfall about 2,500 feet long with the diffuser located at a depth of 30-40 feet. The outfalls are about one mile apart.

The dischargers are presently discharging under waste discharge requirements issued by the Regional Board on September 4, 1968. Monitoring and reporting is being done under the requirements of Monitoring and Reporting Programs Nos. 74-211 (Crown Simpson) and 74-212 (Louisiana-Pacific) which were issued December 31, 1974, effective February 1, 1976.

On December 4, 1974, the Regional Board adopted waste discharge requirements for the dischargers. At that time formally promulgated EPA effluent limitations guidelines were not available. EPA objected to the Regional Board orders on the basis that the Regional Board failed to implement fully the provisions of Section 301 of the Federal Water Pollution Control Act^{1/} by not imposing effluent limitations which would require achievement of

^{1/} 33 U.S.C. 1251 et. seq.

"best practicable control technology currently available" (BPCTCA) by July 1, 1977.

Subsequently, the State Board reviewed the Regional Board orders both on its own motion and in response to petitions filed by each of the dischargers. The State Board, after receiving evidence at a hearing on March 7, 1975, remanded the orders to the Regional Board with the direction that effluent limitations based on BPCTCA be included. If formally promulgated guidelines were available, they were to be applied. Otherwise, the Regional Board, after considering all relevant evidence, was to establish limitations based on its best judgment of what constituted BPCTCA.

On February 19, 1976, EPA promulgated Effluent Limitations Guidelines and Standards, Pulp, Paper, and Paperboard Point Source Category (Guidelines)^{2/}. The Guidelines contain a variance provision for each subcategory of this Point Source Category. The variance provision is set forth, in pertinent part, at page 5 of this Order. On July 6, 1976, various corrections to the Guidelines (mostly of typographical errors) were promulgated. On January 6, 1977, EPA further modified the Guidelines. The effect of this latest modification on these dischargers is limited to a slight relaxation of the limitations on BOD₅ and total suspended solids.

After hearing extensive testimony at its June 24, 1976, July 29, 1976, and August 26, 1976, meetings, the Regional Board adopted Order No. 76-133 (NPDES CA0005282) for Crown Simpson and Order No. 76-134 (NPDES CA0005894) for Louisiana-Pacific on August 26, 1976.

^{2/} Title 40, Code of Federal Regulations, Part 130.

On September 3, 1976, EPA issued a letter of objection to the Regional Board orders. Grounds cited by EPA were inclusion of effluent limitations less stringent than the Guidelines without prior approval by the Administrator. It appears that EPA's objection on procedural issues could have been precluded had the Regional Board orders included Guideline limitations and provisions that the alternate limits for BOD and pH would become effective only upon approval by the Administrator.

II. ISSUES AND FINDINGS

The dischargers requested (and the Regional Board granted) a variance from the EPA Guidelines for BOD and pH based both on a claim of "fundamental difference" in accordance with the variance provisions of the Guidelines and on precedent established in the decisions of several U.S. Courts of Appeals; particularly the Fourth Circuit's decision in the case of Appalachian Power Company v. Train^{3/} (hereinafter, Appalachian). The dischargers have also requested several variances from Ocean Plan requirements.^{4/} Finally, they have raised a procedural objection to the State Board's resolution of the question as to whether a variance from EPA Guideline limitations is appropriate at this time. The dischargers contend that the State Board should not take action on this question pending resolution in the Federal courts of certain lawsuits involving the validity of EPA's Guidelines and variance provisions. Each of the dischargers' contentions will be discussed separately below.

^{2/} 545 F. 2d 1071.

^{1/} Water Quality Control Plan for Ocean Waters of California

1. Contention that the Dischargers' Facilities are Fundamentally Different in that they Discharge to Ocean Waters.

The dischargers argue that the fact that they discharge to the ocean with its vast diluting and buffering capacity is sufficient for a finding of "fundamental difference" under the variance provision of EPA's Guidelines. They base this on the following portion of the currently applicable variance provision:

"An individual discharger...may submit evidence...that... factors relating to the equipment or facilities involved, the processes applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines." (Emphasis Added)

Since none of the bleached kraft pulp mills considered by EPA in the process of Guideline development discharge to the ocean, the dischargers contend that this fact alone is sufficient to establish fundamental difference. ✓

The State Board disagrees with the contention of petitioners that a variance from the Guidelines based upon a finding of fundamental difference should be granted because of the type of receiving water. This position is supported by the following quotations from the Legislative History of the Federal Water Pollution Control Act: ✓

"The balancing test between total cost and effluent reduction benefits is intended to limit the application of technology only where the additional degree of effluent reduction benefits is wholly out of proportion to the costs of achieving such marginal level of reduction for any class or category of sources.

"The Conferees agreed upon this limited cost-benefit analysis in order to maintain uniformity within a class and category of point sources subject to effluent limitations, and to avoid imposing on the Administrator any requirement to consider the location of sources within a category or to ascertain water quality impact of effluent controls, or to determine the economic impact of controls on any individual plant in a single community."^{5/}

* * *

"...the intent of the Conferees is that effluent limitations applicable to individual point sources within a given category or class be as uniform as possible. The Administrator is expected to be precise in his guidelines ...so as to assure that similar point sources with similar characteristics, regardless of their location or the nature of the water into which the discharge is made, will meet similar effluent limitations."^{6/}

The argument advanced by the dischargers (variance based on type of the receiving water) is, in our opinion, the essence of what Congress intended to avoid with the Federal Water Pollution Control Act Amendments of 1972. The legislative history of the Amendments reflects a conclusion that regulation of pollution based on a comparison of cost with receiving water benefits on a plant by plant basis was unworkable from a practical regulatory standpoint. Congress based the Amendments on pre-defined minimum levels of treatment technology which were to be applied regardless of the type of receiving water.

^{5/}Exhibit 1 to the remarks of Senator Muskie, Senate Consideration of the Report of the Conference Committee, as set forth in A Legislative History of the Water Pollution Control Act Amendments of 1972, Congressional Research Service, Library of Congress, Vol. 1, January 1973, at 170.

^{6/}Conference Report, House-Senate Conference Committee, discussion of Section 304 of the conference substitute, as set forth in A Legislative History of the Water Pollution Control Act Amendments of 1972, op. cit., note 5, at page 309.

2. Contention that Biochemical Oxygen Demand (BOD) and pH do not constitute pollutants in this specific case and that the present discharges have no adverse environmental effects.

The dischargers presented extensive evidence both before the Regional Board and before the State Board that there are no adverse environmental effects associated with their present discharges. Dr. Joseph, Regional Board Executive Officer, agreed that he knew of no evidence that indicates that, in the case of these two discharges, BOD is a problem.

The State Board publication Water Quality Criteria^{7/} states:

"In itself, BOD is not a pollutant and exercises no direct harm. Only by depressing the dissolved-oxygen content to levels that are inimical to fish life and other beneficial uses does BOD exert an indirect effect. Where reaeration, dilution, and/or photosynthetic action offset or minimize this depletion, BOD does not interfere with the reasonable uses of the water."

Thus, while some of the organic compounds which contribute to the BOD may cause problems in the receiving water, the State Board does not dispute the dischargers' contention that BOD, in and of itself, is not a pollutant when properly discharged into a marine environment. Further, the record contains no evidence to contradict this conclusion, and there is evidence that the dissolved oxygen content of the seawater is not depressed to any noticeable degree outside the initial dilution zone.

The dischargers have also submitted substantial evidence that the discharge of waste outside the 5-9 pH range permitted by the EPA Guidelines has no effect on a marine environment.

^{7/}McKee and Wolf, Water Quality Criteria, Second Edition, State Water Resources Control Board, Pub. No. 3A, Reprint June 1, 1976, at page 147.

The EPA Development Document^{8/} cites no adverse effects of pH that would be of concern in the marine environment.

Concerning pH, Water Quality Criteria^{9/} also states:

"Conversely, the concentration of weakly dissociated acids and bases markedly affects the pH value and the ease with which it can be altered. For this reason, pH should not be confused with acidity and alkalinity. The presence of carbonates, phosphates, borates, and similar ions give water a buffering power so that the addition of an acid or base is less likely to be deleterious."

It cannot be said that the discharge from these two plants is exceptionally low in either acidity or alkalinity, but the buffering capacity of seawater is so strong that there is no reason to doubt the testimony of the dischargers' experts that the receiving water pH is not changed more than 0.2 units outside the initial dilution zone. Thus, with pH, also, there is no evidence in the record to dispute the dischargers' allegation that the high or low pH of their discharges causes no problem when diffused into seawater.

In summary, it has been clearly shown, in this particular case, that neither the discharge of BOD nor pH results in a discernible impact or a threat of

damage to the marine environment. EPA in its Development

^{8/}Development Document for Advanced Notice of Proposed or Promulgated Rule Making for Effluent Limitations Guidelines and New Source Performance Standards for the Bleached Kraft, Groundwood, Sulfite, Soda, Deink, and Non-integrated Paper Mills Segment of the Pulp, Paper, and Paperboard Mills, August 1975.

^{9/}Op. Cit., footnote 7, at page 235.

Document cites the reasons why it has selected BOD and pH as pollutants to be controlled in the discharge from pulp mills. The discussion of BOD effects in the Development Document indicates that BOD must be controlled because it depresses dissolved oxygen levels resulting in damage to fish populations (such as delayed hatching of eggs and decreased tolerance to certain toxicants) and damage to fish food organisms. The Development Document points out that death may result if dissolved oxygen is reduced severely by high levels of BOD.^{10/} The discussion of pH effects in the Development Document indicates that low pH water supplies may corrode household plumbing and, thus, add heavy metals to drinking water supplies. Extremes of pH or rapid changes in pH may stress or kill aquatic life and toxicity of many materials is increased by changes in pH.^{11/} As the above discussion indicates, the reasons cited by EPA for the Guideline BOD and pH requirements are not valid in this case. The dischargers have submitted adequate evidence to refute the presumptions made by EPA regarding the polluting nature of BOD and pH.

Therefore, based on the record before us, we must conclude that there do not appear to be any environmental benefits which will be derived by requiring these dischargers to meet either the Ocean Plan or Guideline limitations for BOD or pH.

^{10/} Development Document, op. cit., note 8, at 188.

^{11/} Id., at 192.

3. Contention that Judicial Precedent Dictates that a Broad Range of Factors including Non-water Quality Environmental Effects and Energy Requirements be Considered in Deciding whether Guideline Numbers should be applied to a Particular Discharger

The dischargers assert that the Regional Board and State Board should be guided in resolving the question of "fundamental difference" by the logic contained in the decision in the Appalachian case.

The variance provision under consideration in Appalachian was identical to the provision which has been promulgated by EPA for the sources under consideration here. The operative language from the variance provision is set forth at page 5 above. The court found in Appalachian that the provision did not allow for adequate flexibility in application of nationwide guidelines to particular point sources and remanded the variance provision to EPA for modifications which would allow for reconsideration at the permit issuance stage of all factors required by P.L. 92-500 to be considered at the time guidelines are originally developed. Specifically, the court stated:

"As we noted in duPont, 541 F.2d 1018, Nos. 74-1261, et al, provisions for variances are appropriate to the regulatory process. This is particularly so in the case of regulations having presumptive applicability throughout the nation. The factors to be taken into consideration, however, ought ordinarily to be at least as broad as the factors relied upon in establishing the limitation if the provision is to have meaning. In the instant case, EPA has said that a variance from the 1977 standards will be granted only where 'the factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from those factors considered in establishing the guidelines'. Thus, only technical and engineering factors, exclusive of cost, may be considered in granting or denying a variance. Based upon the Act taken as a whole, we are of the

opinion that such a variance clause is unduly restrictive and, accordingly, 40 CFR 423.12(a), must be set aside and remanded for further consideration."

* * * *

"...[w]e note that both §304 (1977) and §306 (new sources) provide that the factors to be taken into consideration in determining the 1977 and new source standards include not only the engineering aspects of the various types of control technology, but also (1) the total cost of application of such technology (cost of achieving such effluent reduction) and (2) the resulting non-water quality environmental impact (including energy requirements). The EPA has offered no reasoned explanation for limiting the variance clause to considerations of technical and engineering factors only. Certainly the adverse non-water quality environmental impact which may result from the strict application of the agency's effluent limitations to a particular plant is as significant as the technological difficulties which may be encountered. The same may be said for a consideration of energy requirements!"^{12/} (Emphasis Supplied.)

The court in Appalachian described, as follows, how the uniformity in effluent requirements which Congress anticipated from permit to permit within a point source category could be maintained while, nevertheless, providing for a reasonable amount of flexibility in the permit program:

"...we believe that the solution which most nearly satisfies congressional intent is recognition that the regulations are presumptively applicable to permit applications. (citation omitted) Thus, the issuer of a permit under §402 may consider whether a particular applicant is to be held strictly to the confines of the agency's regulations. The burden of proof remains upon the applicant, however. Only after he has established the inappropriateness of the regulations as applied to him, for example, employing the generic factors of §§304, 306 or any specific variance clauses promulgated thereunder, need the permit issuer go beyond the regulations. Of course, the permit issuer does not have unreviewable discretion in determining whether limitations prescribed under a particular regulation should be deemed inapplicable to any individual point source. Under §402(d)(2), EPA may prevent the issuance of any permit to which it objects. Thus, through the exercise of this veto power, the agency

^{12/} Op. cit., note 3 at 1358-1359.

may insure that the permit grantors give proper recognition to the need for uniformity in the application of the Act while at the same time recognizing variables which may exist from location to location and plant to plant."^{13/}
(Emphasis supplied.)

Other courts have echoed the opinion of the Appalachian court with regard to the need for flexibility in a regulatory program involving standards which are applied nationwide. For example, the Second Circuit in Natural Resources Defense Council v. EPA stated:

"Not all of the thousands of plants in operation can be expected to fit into prefabricated molds or templates. By specifying a permit procedure, Congress implicitly conferred on the permit-grantor the privilege of construing the broader regulations in light of the specific type of plant applying for the permit. Without variance flexibility, the program might well founder on the rocks of illegality."^{14/}

Section 304 (b)(1)(B) of the Federal Water Pollution Control Act sets out the factors which are to be considered by the Administrator of EPA in specifying effluent guidelines for BPCTCA for non-publicly owned treatment works. According to the Appalachian court, as quoted above, all of those same factors must be considered again at the time of permit issuance where a discharger challenges the application of guideline limitations to his facilities. The factors listed in Section 304(b)(1)(B) are as follows:

✓ "...the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application,...the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements), and such factors as the Administrator deems appropriate."^{15/} (Emphasis Supplied).

^{13/} Id. at 1358.

^{14/} 537 F.2d 642 at 647. See also: E.I. DuPont de Nemours and Co. v. Train, 541 F.2d 1018 at 1028 (Fourth Circuit) and American Paper Institute v. Train, 9 ERC 1065 at 1070. (District of Columbia Circuit.)

^{15/} 33 U.S.C. 1314(b)(1)(B).

There have been no decisions in the Ninth Circuit which would indicate the proper application of variance regulations as a part of the NPDES permit program and we, of course, are not bound, in a strict legal sense, by the Fourth Circuit's decision in Appalachian. However, the Appalachian decision does leave a cloud ✓ on the continued viability of all variance provisions containing the same language as the provision considered in Appalachian. Further, we find the reasoning in the Appalachian decision compelling. Therefore, in the following discussion we evaluate the dischargers' arguments with regard to their entitlement to a variance based upon the costs, the non-water quality environmental impacts and the energy requirements of compliance with Guideline limitations.

Key

4. Contention that the Costs are Disproportionate to the Water Quality Benefits and thus justify the Issuance of a Variance.

The dischargers introduced evidence that it would cost approximately \$18 $\frac{1}{4}$ million for each facility for construction of the necessary treatment facilities to meet all Guideline and Ocean Plan limitations with the exception of the Ocean Plan chromium requirements. Operation and maintenance costs are expected to be \$1 $\frac{1}{4}$ million per year for each plant. Therefore, the total capital expenditure would be \$36.5 million with an annual operation cost of \$2.5 million. These costs are in addition to the costs which have already been incurred by the dischargers in constructing their existing ocean outfalls and diffusers. These costs were approximately \$2 million each and represent costs which are not required by the Guidelines and would generally not be imposed upon similar discharges to a freshwater stream. The expected costs are substantial in that the original mills together cost approximately \$110 million.

The dischargers contend that a variance should be granted because if the Guideline limitations are imposed they will sustain the above costs with no discernible water quality benefit.

However, it should be noted that with regard to economic costs the Appalachian case found that a narrow consideration was required at the permitting stage.

In Appalachian the court specifically found that it was not necessary for EPA to provide for an analysis of economic costs versus water quality benefits on a plant-by-plant basis at the permit issuing stage, but that provision should be made for consideration of cost differentials between the guideline plants and the particular plant for which a permit is sought. Specifically, the court stated:

"In requiring that EPA give weight to the relevant statutory factors in developing a subsequent variance provision, we in no way intend to imply that EPA's regulations must provide for a detailed cost-benefit analysis at the permit granting stage. As we indicated in du Pont, 541 F.2d 1018, Nos. 75-1261, et al., an overall cost-benefit analysis for each category or subcategory satisfies the mandate of §304 in this regard. The variance provision should, however, allow the permit issuer to consider significant cost differentials of the particular point source involved."^{16/}

In this case, the dischargers have offered no evidence that the costs which they would sustain to meet the Guidelines are substantially different from the costs EPA found would be sustained on an industry-wide basis, and we find that with regard to economic costs, the dischargers have not sustained the burden of proof required in order to overcome the presumptive applicability of the Guideline limitations.

^{16/} Appalachian, op cit, note 3, at footnote 23, page 1360.

5. Contention that the Adverse Non-water Quality Environmental Effects and Energy Requirements justify the Issuance of a Variance.

In support of their position, the dischargers submitted evidence regarding the chemicals required, the direct and indirect power requirements, and potential sludge disposal problems.

In summary the evidence is:

1. Chemical requirements: The chemical requirements for each facility are estimated to be approximately 4,320 tons per year of caustic soda, 546 tons per year of anhydrous ammonia, and 335 tons per year of phosphoric acid. Therefore, the total chemical requirements for both plants would be 8,640 tons per year of caustic soda, 1,092 tons per year of anhydrous ammonia, and 670 tons per year of phosphoric acid.

2. Energy requirements: For each facility the energy requirements would be 42,121,000 KWH/yr for construction (direct and indirect amortized over a 15 year period), 24,183,000 KWH/yr for operation of the facility for BOD removal, and 7,812,000 KWH/yr for the production of the necessary chemicals. Therefore, the total energy requirements for both plants would be 148,232,000 KWH/yr.

3. The process of BOD removal would result in 4,200 tons per year of biological sludge from each plant which, because of the unique situation of the dischargers' location on a sand spit in a heavy rainfall area, represent a very difficult problem regarding satisfactory means of disposal. ✓

With regard to the consumption of energy, at the present time the generating capacity of the north coastal area only marginally exceeds the demand during the peak, mid-winter demand period. Additional demand will aggravate this energy problem. To supply the total annual demand, both direct and indirect, associated with the removal of BOD and pH adjustment at both plants would require the burning of 200,000 barrels of low sulphur fuel oil. The dischargers allege that burning of this amount of oil would result in two million pounds of air pollutants. This amount of power would supply approximately 21,000 homes.

With regard to the sludge disposal problem, it is not probable that a suitable disposal site can be located near the pulp mills because of the sandy nature of the Samoa Peninsula. If truck hauling is required, additional energy would be required. The alternative of incineration of sludge would also require energy and may result in air pollution.

On the other hand, as previously discussed, the dischargers have shown there is no expected environmental benefit to be gained by installation of the treatment facilities necessary to comply with the BOD and pH limitations.

In appraising the evidence related to non water quality environmental effects and energy requirements the Board must at least in part appraise the significance in terms of the potential environmental benefits to be gained as a result of the imposition of the EPA Guidelines. In this case we have unrefuted evidence

presented by the dischargers and concurred with by the Regional Board Executive Officer that the existing discharges result in no water quality problems. Secondly, there is no expected or predictable water quality improvement to be achieved as the result of imposition of the EPA Guidelines. In light of these facts (the magnitude of the chemical and energy requirements, and the potential air and land management problems associated with sludge disposal) we can only conclude the evidence justifies the variance requested.^{17/}

In granting the requested variance, we are mindful of the intent of Congress in adopting the Federal Water Pollution Control

^{17/} The alternative BOD and pH limitations contained in the permits attached to and adopted by this order are identical to the limitations for those constituents contained in the Regional Board orders. Those limitations are as follows:

| <u>Louisiana Pacific</u> | | 30-day | Daily |
|--------------------------|--------------------------------|----------------|----------------|
| <u>Constituent</u> | <u>Units</u> | <u>Average</u> | <u>Maximum</u> |
| BOD ₅ (pulp) | lbs/day | 48,300 | 97,600 |
| pH | within the limits 3.0 and 10.0 | | |

| <u>Crown Simpson</u> | | 30-day | Daily |
|-------------------------|--------------------------------|----------------|----------------|
| <u>Constituent</u> | <u>Units</u> | <u>Average</u> | <u>Maximum</u> |
| BOD ₅ (pulp) | lbs/day | 48,000 | 96,000 |
| pH | within the limits 3.0 and 10.0 | | |

If the Guideline limitations were applied to the dischargers their BOD and pH requirements would be as follows:

| <u>Louisiana Pacific</u> | | 30-day | Daily |
|--------------------------|-------------------------------|----------------|----------------|
| <u>Constituents</u> | <u>Units</u> | <u>Average</u> | <u>Maximum</u> |
| BOD ₅ (pulp) | lbs/day | 9,821 | 18,849 |
| pH | within the limits 5.0 and 9.0 | | |

| <u>Crown Simpson</u> | | 30-day | Daily |
|-------------------------|-------------------------------|----------------|----------------|
| <u>Constituents</u> | <u>Units</u> | <u>Average</u> | <u>Maximum</u> |
| BOD ₅ (pulp) | lbs/day | 9,660 | 18,540 |
| pH | within the limits 5.0 and 9.0 | | |

Act that the regulation of discharges to the waters of the United States from similar dischargers be as uniform as possible. We feel that the concept of "presumptive applicability" of guidelines as enunciated by the Fourth Circuit in Appalachian provides for maintenance of this uniformity. Further, we feel that a flexible variance procedure such as that required by the Fourth Circuit will strengthen, rather than weaken, the regulatory process. As was stated by the District of Columbia circuit in Portland Cement Association v. Ruckleshaus,^{18/} "...a regulatory system which allows flexibility, and a lessening of firm proscriptions in a proper case, can lend strength to a system as a whole. 'The limited safety valve permits a more rigorous adherence to an effective regulation....'"

6. Contention that Dischargers should be Granted Variances from the Ocean Plan.

The dischargers have accepted the Guideline limitations for the suspended solids discharged by their pulp mills (turbidity is not a guideline parameter). They have requested that a variance from Ocean Plan^{19/} Table A limitations for suspended solids be granted (relaxation of limitations down to the level required by the Guidelines), and that the limitations on suspended solids and turbidity be applied only to waste generated in the pulp mills. Each company buys untreated Mad River water from the Humboldt Bay Municipal Water District and operates a water treatment plant to clarify, filter, and soften the water. The dischargers contend that wastes generated in the water treatment facilities consist almost entirely of material that would have been deposited in the ocean by the Mad River had the water not been diverted.

^{18/} 186 F.2d 375 at 399, cert. denied 417 U.S. 921, followed in Natural Resources Defense Council v. EPA, 537 F.2d 642 at 647.

^{19/} See Footnote 4.

We agree that, in this instance, it is proper to apply the suspended solids limitations on a net basis. There is ample evidence in a record to support granting the variance requested from Ocean Plan, Table A, and to support application of effluent limitations for suspended solids contained in the Guidelines on a net basis.

Since it is extremely difficult to measure turbidity on a net basis and since the waste streams from the manufacturing processes typically have low turbidity, it is appropriate that no turbidity limitations be imposed.

The dischargers have presented ample evidence that settleable solids and floating particulates need not be specifically controlled in this instance because all applicable water quality objectives can be met without imposing such controls. The dischargers have, further, presented ample evidence that the discharge of wastewater with pH within the limits of 3.0 to 10.0 will result in compliance with all applicable water quality objectives.

At the State Board hearing on December 22, 1976, the dischargers indicated that they would meet the limitations for grease and oil, toxicity, heavy metals (other than chromium), and phenolic compounds. Thus, no relief from the Ocean Plan limitations for these parameters is necessary.

We are aware of the difficulties involved in compliance with the Ocean Plan limitations for chromium and it is likely that the limitation will be changed as a result of the Ocean Plan review before the Table B limitations become effective. It is clear that the requirements for postponement of the compliance date contained in the Ocean Plan have been met and hence such an extension of time should be granted even though revision of the Plan is likely.

7. Contention that a Decision by the State Board should be Held in Abeyance pending the Outcome of Litigation

We find no merit in the dischargers' request that their petition be held in abeyance pending the outcome of litigation in the federal courts regarding EPA's authority to issue relatively inflexible guidelines. We have been authorized to administer the NPDES permit program under Section 402 of the Federal Water Pollution Control Act, and unnecessary delay in the issuance of appropriate permits for the dischargers serves no useful purpose.

Further, the United States Supreme Court's decision in the duPont case, one of the decisions which the dischargers asked that we await, has now been rendered. With regard to variances, the decision does nothing more than confirm the holding of the Fourth Circuit in the duPont case that a provision for variances from the 1977 limitations is required.^{20/} It does not clarify what the scope of the variance provision should be.

III. CONCLUSIONS

After review of this matter, and for the reasons heretofore expressed, we conclude that the actions of the Regional Board in adopting Orders Nos. 76-133 and 76-134 were generally appropriate and proper except that the Regional Board adopted effluent limitations less stringent than limitations based on the presumptively applicable EPA Guidelines without allowance for the required approval by the Administrator of EPA.

^{20/} E.I. duPont de Nemours and Company et al. v. Russell E. Train et al., 45 LW 4212 at 4217.

IV. ORDER

IT IS HEREBY ORDERED THAT:

1. Regional Board Orders Nos. 76-133 and 76-134 be set aside and replaced by the waste discharge requirements attached hereto and identified as Exhibit A and Exhibit B, which are hereby adopted.

2. The Executive Officer of the State Board forward to the Administrator of EPA all necessary information, data, and documents submitted by petitioner, together with a copy of this Order.

3. The waste discharge requirements, Exhibits A and B, be remanded to the Regional Board for all purposes including, but not limited to such modifications (if any) as are necessary to bring them into conformance with the effluent limitations determined to be appropriate by the Administrator of EPA subsequent to his review of this Order, other future modification of requirements as may be deemed necessary, and all appropriate enforcement activities.

In addition, the State Board directs the Regional Board to prepare and issue an appropriate self-monitoring program to be

applied to the dischargers for which the State Board has issued the waste discharge requirements.

Finally, the dischargers are granted an extension of time until July 1, 1983, to meet the effluent quality requirement for chromium contained in the Ocean Plan.

Dated: March 17, 1977

W Don Maughan
W. Don Maughan
Vice Chairman

WE CONCUR:
John E. Bryson
John E. Bryson, Chairman

W W Adams
W. W. Adams, Member

/s/ Roy E. Dodson
Roy E. Dodson, Member

Jean Auer
Jean Auer, Member

EXHIBIT A

STATE WATER RESOURCES CONTROL BOARD

ORDER NO. 77-6
NPDES NO. CA0005882

WASTE DISCHARGE REQUIREMENTS
FOR
CROWN SIMPSON PULP COMPANY
Humboldt County

The California State Water Resources Control Board (State Board) finds that:

1. The Crown Simpson Pulp Company submitted an application for a U. S. Army Corps of Engineers permit to discharge (075-OYS-2-003032) dated June 28, 1971. The application has been supplemented by information supplied by the discharger in letters to the California Regional Water Quality Control Board, North Coast Region (Regional Board), in a technical report pursuant to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan), in documents submitted in relation to appeal and review proceedings, and in monitoring reports filed with the Regional Board.
2. Crown Simpson Pulp Company discharges effluents containing pollutants from kraft pulping processes, pulp bleaching processes and pulp drying processes located in its bleached kraft market pulp mill and from its water treatment plant processes into the Pacific Ocean, a water of the United States. Minor amounts of steam vault liquors from softwood veneer manufacturing processes which use direct steaming for the conditioning of logs at the Simpson Timber Company Plywood Mill and domestic sewage from the Crown Simpson mill are contained in the discharge. The effluents, which flow at up to 30 MGD, are discharged through diffusers located near latitude 40° 48' N., longitude 124° 12' W. from a 2414-foot outfall at a depth of about 35 to 40 feet.

The discharger has eliminated discharge of industrial process wastes to Humboldt Bay, however, the proximity of mill operations to the bay may result in discharge of spills, waste-bearing stormwater runoff or leachate from chips or fuel to Humboldt Bay.

Mill activities may result in discharge of waste or leachate from chips or fuel to groundwater of the Samoa Peninsula.

3. The Regional Board adopted the Water Quality Control Plan for the North Coastal Basin (Basin Plan) on March 20, 1975, and adopted revisions thereto on March 25, 1976. The Basin Plan incorporates the Ocean Plan and the Water Quality Control Policy for the Enclosed Bays and Estuaries of California. It contains effluent limitations and water quality objectives for Pacific Ocean discharges and prohibits most discharges to Humboldt Bay.
Provisions of the Basin Plan, including Ocean Plan effluent limitations, are applicable to the discharge.
4. The beneficial uses of Pacific Ocean and Humboldt Bay include:
 - a. industrial water supply
 - b. navigation
 - c. water contact recreation
 - d. noncontact water recreation
 - e. ocean commercial and sport fishing
 - f. marine habitat
 - g. fish migration
 - h. fish spawning
 - i. shellfish harvesting
5. The beneficial uses of shallow fresh groundwater on the Samoa Peninsula include domestic water supply. The uncertainty of supply and the susceptibility of this water to degradation from over pumping, percolation of sewage, by salinity from dredged material disposal and other activities has encouraged development by the Humboldt Bay Municipal Water District (HBMWD) of a water system utilizing Mad River supply. Groundwater in areas relying upon its use should be protected with minimum risk of degradation from waste discharges.
6. The discharger has requested exemptions from:
 - a. Ocean Plan Table A effluent limitations on:
Floating particulates
Suspended solids
Settleable solids
Turbidity, and
pH;
 - b. Ocean Plan Table B effluent limitations on chromium
 - c. the time schedule provision of State Board Resolution No. 74-5; and
 - d. EPA Effluent Limitations Guidelines based limitations on:
BOD and pH.

7. Regarding the exemptions from Ocean Plan effluent limitations requested by the discharger:
- a. Floating Particulates. The absence of any limitations on floating particulates will not interfere with compliance with the water quality objectives set forth in Chapter II of the Ocean Plan and will not interfere with compliance with the effluent quality requirements set forth in Chapter IV, Table B of the Ocean Plan.
 - b. Suspended Solids. Discharge of suspended solids at the rates specified herein will not interfere with compliance with the water quality objectives set forth in Chapter II of the Ocean Plan and will not interfere with compliance with the effluent quality requirements set forth in Chapter IV, Table B of the Ocean Plan. Since the suspended solids from the water treatment plant consist of silt from the Mad River that would normally be discharged to the ocean, it is appropriate that the limitations on suspended solids be on a net basis. Thus, the monitoring requirements will be established so as to give credit for suspended solids resulting from water treatment plant operations.
 - c. Settleable Solids. The absence of any limitations on settleable solids will not interfere with compliance with the water quality objectives set forth in Chapter II of the Ocean Plan and will not interfere with compliance with the effluent quality requirements set forth in Chapter IV, Table B of the Ocean Plan.
 - d. Turbidity. The absence of any limitations on turbidity will not interfere with compliance with the water quality objectives set forth in Chapter II of the Ocean Plan and will not interfere with compliance with the effluent quality requirements set forth in Chapter IV, Table B of the Ocean Plan in that the turbidity from the water treatment plant consists of silt and clay from the Mad River that would normally be discharged to the ocean.
 - e. pH. Discharge of effluents with a pH within the range specified herein will not interfere with compliance with the water quality objectives set forth in Chapter II of the Ocean Plan and will not interfere with compliance with the effluent quality requirements set forth in Chapter IV, Table B of the Ocean Plan.
 - f. Chromium and Time Schedule Provision of State Board Resolution No. 74-5. The discharger has presented substantial evidence that compliance with chromium limitations based on Chapter IV, Table B of the Ocean Plan is not possible through application of source controls and the best practicable control technology currently available.

8. On June 21, 1976, the discharger submitted to the Regional Board a request for variance from EPA effluent limits based on fundamentally different factors. The request was supplemented by testimony and evidence presented by the discharger during the course of public hearings before both the Regional Board and the State Board.

Based upon said testimony and evidence, the State Board finds that effluent exceeding the EPA guideline limitations for BOD and pH has substantially no adverse effect on the marine environment when properly diffused; that there will be few if any water quality benefits associated with treatment for BOD or pH, that there will be substantial environmental and energy costs associated with treatment for BOD and/or pH; and that, therefore, under the precedent established by the U. S. Court of Appeals (Fourth Circuit) in its decision in the case of Appalachian Power Company vs. Train, a variance from the EPA guideline limitations is warranted. The State Board therefore grants herein a variance from effluent limitations from EPA guideline limitations for pH and for BOD generated in the pulp mill, subject to final approval of the variance by the Administrator of EPA.

9. Except as provided in Finding 8, above, effluent limitations pursuant to Section 301 of the Federal Water Pollution Control Act and amendments thereto are applicable to the discharge. The limits are contained in Code of Federal Regulations.
10. The discharger has requested that limits for BOD as established in Code of Federal Regulations be deleted from requirements for discharge to open ocean waters by diffusers. The State Board finds that adoption of BOD limitations is appropriate to its regulation of discharges to the Pacific Ocean.
11. The State Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written views and recommendations.
12. The State Board in a public hearing heard and considered all comments pertaining to the discharge.
13. The discharger is currently discharging under waste discharge requirements issued by the Regional Board on September 4, 1968, and is monitoring and reporting under Monitoring and Reporting Program No. 74-211 adopted by the Regional Board on December 31, 1974.

THEREFORE, IT IS HEREBY ORDERED that the Crown Simpson Pulp Company, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Federal Water Pollution Control Act, and regulations and guidelines adopted thereunder, shall comply with the following:

A. Prohibitions

1. The discharge of waste to Humboldt Bay is prohibited.
2. The discharge of waste to shallow groundwaters of the Samoa Peninsula, except in which groundwater is unsuitable for domestic use, is prohibited.
3. The discharge of waste to the Pacific Ocean, except as provided under D. 2. of this order, is prohibited.
4. Discharge of radioactive materials in excess of the limits prescribed in Section 30269 of the California Administrative Code is prohibited.
5. Discharge of any wastewater pollutants resulting from plywood manufacturing which utilizes veneer as a raw material is prohibited.

B. Effluent Limitations

1. The discharge of an effluent to the Pacific Ocean which exceeds the following is prohibited:

| <u>Constituents</u> | <u>Units</u> | <u>30-day^{a/} Average</u> | <u>30-day^{b/} Median</u> | <u>30-day^{c/} 90th %ile</u> | <u>Daily Maximum</u> |
|-------------------------|-----------------------|--|---------------------------------------|--|--------------------------|
| Flow | MGD | 30 | -- | -- | 44.4 |
| BOD ₅ (pulp) | lbs/day ^{d/} | 9,660 | -- | -- | 18,540 |

- a/ The average of values in any 30 consecutive day period. Compliance will not be determined if fewer than four samples are analyzed.
- b/ The value which is not exceeded in 50 percent of the samples in any 30 consecutive day period. Compliance will not be determined if fewer than four samples are analyzed.
- c/ The value which is not exceeded in 90 percent of the samples in any 30 consecutive day period. Compliance will not be determined if fewer than four samples are analyzed.
- d/ Based on 600 tons per day average annual production.

| <u>Constituents</u> | <u>Units</u> | <u>30-day^{a/} Average</u> | <u>30-day^{b/} Median</u> | <u>90-day^{c/} 90th %tile</u> | <u>Daily Maximum</u> |
|---|-----------------------------------|--|---------------------------------------|---|--------------------------|
| BOD ₅ (Veneer) | lbs/ft ³ _{f/} | 0.015 | -- | -- | 0.045 |
| | lbs/day | 142.5 | -- | -- | 427.5 |
| Suspended Solids _{e/} (pulp) | lbs/day | 19,680 | -- | -- | 36,480 |
| Grease & Oil | mg/l | -- | 10 | 15 | -- |
| pH | within the limits 5.0 and 9.0 | | | | |

2. The discharge of an effluent in excess of the following limits is prohibited: g/ h/

| <u>Constituents</u> | <u>Units</u> | <u>50% of time</u> | <u>10% of time</u> |
|---------------------|--------------|------------------------|------------------------|
| Arsenic | mg/l | 0.01 | 0.02 |
| Cadmium | mg/l | 0.02 | 0.03 |
| Copper | mg/l | 0.2 | 0.3 |
| Lead | mg/l | 0.1 | 0.2 |
| Mercury | mg/l | 0.001 | 0.002 |
| Nickel | mg/l | 0.1 | 0.2 |

e/ In addition to the suspended solids in the raw water supply.

f/ Pounds of BOD₅ per cubic foot of production in terms of veneer, if that is the final product of this facility, or per cubic foot of plywood if the veneer is further processed into plywood at this facility.

g/ The maximum allowable daily mass emission rate for each constituent listed in Item 2 above shall be calculated from the total waste flow occurring each specific day and the concentration specified in waste discharge requirements as that not to be exceeded more than 10 percent of the time. The mass emission rate of the discharge during any 24-hour period shall not exceed the maximum allowable daily mass emission rate.

h/ The maximum allowable monthly mass emission rate for each constituent listed in Item 2 above shall be calculated from the total waste flow occurring in each specific month and the concentration specified in waste discharge requirements as that not to be exceeded more than 50 percent of the time. The mass emission rate of the discharge during any monthly period shall not exceed the maximum allowable monthly mass emission rate.

| <u>Constituents</u> | <u>Units</u> | <u>50% of time</u> | <u>10% of time</u> |
|---|--------------|------------------------|------------------------|
| Silver | mg/l | 0.02 | 0.04 |
| Zinc | mg/l | 0.3 | 0.5 |
| Cyanide | mg/l | 0.1 | 0.2 |
| Phenolic Compounds | mg/l | 0.5 | 1.0 |
| Total Chlorine Residual | mg/l | 1.0 | 2.0 |
| Ammonia (expressed as nitrogen) | mg/l | 40.0 | 60.0 |
| Total Identifiable Chlorinated Hydrocarbons <u>i/</u> | mg/l | 0.002 | 0.004 |
| Toxicity Concentration | tu | 1.5 | 2.0 |

3. The discharge of an effluent in excess of the following limits is prohibited: g/ h/

| <u>Constituent</u> | <u>Units</u> | <u>50% of time</u> | <u>10% of time</u> |
|--------------------|--------------|------------------------|------------------------|
| Total Chromium | mg/l | 0.005 | 0.01 |

4. Upon approval by the Administrator of EPA of the finding of "fundamental difference" cited in Finding 8, above, the following limitations shall apply in lieu of the limitations in B. 1., above, for the following parameters. The limitations contained in B. 1. shall continue to apply for all other parameters. Should the Administrator approve a variance but find that limitations other than the following are appropriate, the Regional Board shall revise these waste discharge requirements consistent with the limitations approved by the Administrator.

| <u>Constituent</u> | <u>Units</u> | <u>30-day Average</u> | <u>Daily Maximum</u> |
|-------------------------|--------------------------------|---------------------------|--------------------------|
| BOD ₅ (pulp) | lbs/day ^{d/} | 48,000 | 96,000 |
| pH | within the limits 3.0 and 10.0 | | |

i/ Total Identifiable Chlorinated Hydrocarbons shall be measured by summing the individual concentrations of DDT, DDD, DDE, aldrin, BHC, chlordane, endrin, heptachlor, lindane, dieldrin, polychlorinated biphenyls, and other identifiable chlorinated hydrocarbons.

C. Receiving Water Limitations

1. The discharge shall not cause floating particulates, foam, or grease and oil to be visible.
2. The discharge shall not cause aesthetically undesirable discoloration of the ocean surface.
3. The transmittance of natural light shall not be significantly reduced at any point outside the initial dilution zone.
4. The discharge shall not cause the dissolved oxygen concentration outside the initial dilution zone at any time to be depressed more than 10 percent from that which occurs naturally.
5. The discharge shall not cause the pH outside the initial dilution zone to be changed at any time more than 0.2 units from that which occurs naturally.
6. The ~~discharger~~ shall not cause a violation of any other applicable existing water quality standard for the receiving water adopted pursuant to the Federal Water Pollution Control Act and implementing regulations. If more or less stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act and ~~implementing~~ regulations, the Regional Board shall ~~revise~~ or modify this order in accordance with such more or less stringent standards.
7. In areas where shellfish are harvested, the discharge shall not cause the median total coliform organism concentration to exceed 70 per 100 ml nor shall the total coliform organism concentration exceed 230 per 100 ml 10 percent of the time.
8. The concentration of organic materials in marine sediments shall not be increased above that which would degrade marine life.
9. The discharge shall not cause toxic conditions to exist in the receiving water.

10. The discharge shall not cause the following limits to be exceeded after initial dilution:

| <u>Constituents</u> | <u>Units</u> | <u>50 Per- centile</u> | <u>90 Per- centile</u> | <u>Maximum</u> |
|-----------------------|--------------------------|----------------------------|----------------------------|----------------|
| Grease and Oil | mg/m ² | 10 | 20 | -- |
| Floating Particulates | mg dry wt/m ² | 1.0 | 1.5 | -- |
| Toxicity | Toxicity Units | -- | -- | 0.05 |

D. Provisions

- Neither the treatment nor the discharge of pollutants shall create a pollution or a nuisance as defined by the California Water Code.
- The discharge shall achieve rapid initial dilution and effective dispersion to minimize concentrations of pollutants not removed by treatment. The diffusion system shall provide an initial dilution of effluent with seawater exceeding 100:1 at least 50 percent of the time and exceeding 80:1 at least 90 percent of the time.
- The Crown Simpson Pulp Company shall comply with the following time schedules to assure compliance with Effluent Limitations B.1, B.2., B.3., and B. 4. All other provisions of this permit shall be applicable upon adoption.

| <u>Task</u> | <u>Compliance Date</u> | <u>Report of Compliance Due</u> |
|---|------------------------|-------------------------------------|
| <u>Limitations B. 1. and B. 4.</u> | | |
| Commence preparation of plans and specifications for control facilities | April 1, 1977 | April 15, 1977 |
| Compliance | July 1, 1977 | July 15, 1977 |
| <u>Limitations B. 2.</u> | | |
| Progress report | May 1, 1977 | May 15, 1977 |
| Commence construction of control facilities | January 1, 1978 | January 15, 1978 |
| Compliance | July 1, 1978 | July 15, 1978 |

| <u>Task</u> | <u>Compliance Date</u> | <u>Report of Compliance Due</u> |
|---|------------------------|---------------------------------|
| <u>Limitations B. 3.</u> | | |
| Progress report | October 1, 1977 | October 15, 1977 |
| Progress report | July 1, 1978 | July 15, 1978 |
| Progress report | April 1, 1979 | April 15, 1979 |
| Progress report | January 1, 1980 | January 15, 1980 |
| Commence preparation of plans and specifications for control facilities | July 1, 1980 | July 15, 1980 |
| Progress report | April 1, 1981 | April 15, 1981 |
| Commence construction of control facilities | January 1, 1982 | January 15, 1982 |
| Progress report | October 1, 1982 | October 15, 1982 |
| Compliance | July 1, 1983 | July 15, 1983 |

The discharger shall submit to the Regional Board on or before each compliance report date, a report detailing his compliance or noncompliance with the specific schedule date and task.

If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the discharger will be in compliance. The discharger shall notify the Regional Board by letter when he has returned to compliance with the time schedule.

4. The discharger shall notify the Regional Board not later than 180 days in advance of implementation of any plans to alter production capacity of the product line of the manufacturing, producing or processing facility by more than ten percent. Such notification shall include submittal of a new Report of Waste Discharge and appropriate filing fee.
5. The discharger shall file with the Regional Board a Report of Waste Discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge.
6. The discharger shall submit to the Regional Board by January 30 of each year, an annual summary of the quantities of all chemicals, listed by both trade and chemical names which are used for cooling and/or boiler water treatment and which are discharged.

7. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under federal, state, or local laws other than those adopted pursuant to the Federal Water Pollution Control Act, nor guarantee the discharger a capacity right in the receiving waters.
8. The discharge of any radiological, chemical, or biological warfare agent is prohibited.
9. The discharger shall permit the Regional Board:
 - a. entry upon premises (during normal business hours) in which an effluent source is located or in which any required records are kept;
 - b. access to copy any records required to be kept under terms and conditions of this order;
 - c. inspection of monitoring equipment or records; and
 - d. ~~sampling~~ of any discharge.
10. All discharges authorized by this order shall be consistent with the terms and conditions of this order. The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this order shall constitute a violation of the terms and conditions of this order.
11. The discharger shall comply with a Monitoring and Reporting Program issued by the Regional Board Executive Officer and the General Provisions for Monitoring and Reporting and any modifications to these documents as specified by the Regional Board Executive Officer. Monitoring reports shall be submitted to the Regional Board and U. S. Environmental Protection Agency for each month, by the 15th day of the following month, beginning not later than the date specified in the Monitoring and Reporting Program issued by the Regional Board Executive Officer. Monitoring and Reporting Program No. 74-211 shall remain in effect until superseded or revoked.
12. The discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the discharger to achieve compliance with the waste discharge requirements.

13. Collected screenings, sludges, and other solids removed from liquid waste shall be disposed of at a legal point of disposal, and in accordance with the provisions of Division 7.5 of the California Water Code. For the purpose of this requirement, a legal point of disposal is defined as one for which waste discharge requirements have been prescribed by a Regional Water Quality Control Board and which is in full compliance therewith.
14. After notice and opportunity for a hearing, this order may be terminated or modified for cause, including, but not limited to:
 - a. violation of any term or condition contained in this order;
 - b. obtaining this order by misrepresentation, or failure to disclose fully all relevant facts;
 - c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

V 15. If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Federal Water Pollution Control Act, or amendments thereto, for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this order, the Regional Board shall conduct a public hearing and consider revising or modifying this order in accordance with such toxic effluent standard or prohibition and so notify the discharger.

16. In the event the discharger is unable to comply with any of the conditions of this order due to:
 - a. breakdown of waste treatment equipment;
 - b. accidents caused by human error or negligence; or
 - c. other causes such as acts of nature;

the discharger shall notify the Regional Board Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate what steps were taken to correct the problem and the dates thereof, and what steps are being taken to prevent the problem from recurring.

17. This order expires five years from the date of adoption and the discharger must file a Report of Waste Discharge in accordance with Title 23, California Administrative Code, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.
18. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the existence of this order by letter, a copy of which shall be forwarded to the Regional Board.
19. By January 1, 1981, the discharger shall submit to the Regional Board a plan for achieving effluent limitations representing Best Available Technology Economically Achievable as determined by applying the EPA effluent limitations guidelines applicable to this discharge on that date. If the discharger desires a variance for economic reasons under the provisions of Section 301(c) of the FWPCA, such a request, along with all supporting material required by applicable regulations, shall be submitted to the Regional Board by July 1, 1980.
20. The discharger shall submit to the Regional Board each month with the monthly effluent monitoring report a summary of the quantity of chromium contained in any chemicals used which reach the waste stream or which might reach the waste stream in the event of an upset or breakdown.
21. This order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Water Pollution Control Act, or amendments thereto, and shall take effect at the end of ten days from the date of adoption hereof, provided the Regional Administrator has no objections.
22. These waste discharge requirements supersede the waste discharge requirements issued by the Regional Board on September 4, 1968.

Certification

I, Bill B. Dendy, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California State Water Resources Control Board on MAR 17 1977



Bill B. Dendy
Executive Officer

EXHIBIT B

STATE WATER RESOURCES CONTROL BOARD

ORDER NO. 77-6
NPDES NO. CA0005894

WASTE DISCHARGE REQUIREMENTS
FOR
LOUISIANA-PACIFIC CORPORATION
Humboldt County

The California State Water Resources Control Board (State Board) finds that:

1. Louisiana-Pacific Corporation and its predecessor, Georgia-Pacific Corporation, have submitted applications for federal permits, a technical report pursuant to the Water Quality Control Plan for Ocean Waters of California (Ocean Plan), and supplemental information in letters and petitions which describe the corporation's discharges to the Pacific Ocean and Humboldt Bay.
2. Louisiana-Pacific Corporation discharges effluents containing pollutants from kraft pulping processes, pulp bleaching processes, and pulp drying processes located in its bleached kraft market pulp mill; from its water treatment plant processes; and from a hydraulic barker at its sawmill into the Pacific Ocean, a water of the United States. Minor amounts of steam vault liquors from softwood veneer manufacturing processes which use direct steaming for the conditioning of logs, powerplant wastewaters, wastebearing stormwater runoff, and domestic sewage are contained in the discharge. These effluents, which flow at up to 30 MGD, are discharged through diffusers located near Latitude 40°47'N., Longitude 124°14'W., from a 3000-foot outfall at a depth of 35 to 40 feet. This discharge is hereby designated 001.

The discharger has eliminated discharge of industrial process wastes to Humboldt Bay, however, the proximity of mill operations to the bay may result in discharge of spills, waste-bearing stormwater runoff or leachate from chips or fuel to Humboldt Bay.

The discharger discharges noncontact cooling water from two compressors, hereby designated 002 and 003, and a powerplant hereby designated 004, to Humboldt Bay at points located near Latitude 40°47'N., Longitude 124°13'W.

Mill activities may result in discharge of waste or leachate from chips or fuel to groundwater of the Samoa Peninsula.

3. The Regional Board adopted the Water Quality Control Plan for the North Coastal Basin (Basin Plan) on March 20, 1975, and adopted revisions thereto on March 25, 1976. The Basin Plan incorporates the Ocean Plan and the Water Quality Control Policy for the Enclosed Bays and Estuaries of California. It contains effluent limitations and water quality objectives for Pacific Ocean discharges and prohibits most discharges to Humboldt Bay.
4. The beneficial uses of Pacific Ocean and Humboldt Bay include:
 - a. industrial water supply
 - b. navigation
 - c. water contact recreation
 - d. noncontact water recreation
 - e. ocean commercial and sport fishing
 - f. marine habitat
 - g. fish migration
 - h. fish spawning
 - i. shellfish harvesting
5. The beneficial uses of shallow fresh groundwater on the Samoa Peninsula include domestic water supply. The uncertainty of supply and the susceptibility of this water to degradation from over pumping, percolation of sewage, by salinity from dredged material disposal and other activities has encouraged development by the Humboldt Bay Municipal Water District (HBMWD) of a water system utilizing Mad River supply. Groundwater in areas relying upon its use should be protected with minimum risk of degradation from waste discharges.
6. The discharger has requested exemptions from:
 - a. Ocean Plan Table A effluent limitations on:
 - Floating particulates
 - Suspended solids
 - Settleable solids
 - Turbidity, and
 - pH;
 - b. Ocean Plan Table B effluent limitations on chromium
 - c. the time schedule provision of State Board Resolution No. 74-5; and
 - d. EPA Effluent Limitations Guidelines based limitations on:
 - BOD and pH.

7. Regarding the exemptions from Ocean Plan effluent limitations requested by the discharger:
- a. Floating Particulates. The absence of any limitations on floating particulates will not interfere with compliance with the water quality objectives set forth in Chapter II of the Ocean Plan and will not interfere with compliance with the effluent quality requirements set forth in Chapter IV, Table B of the Ocean Plan.
 - b. Suspended Solids. Discharge of suspended solids at the rates specified herein will not interfere with compliance with the water quality objectives set forth in Chapter II of the Ocean Plan and will not interfere with compliance with the effluent quality requirements set forth in Chapter IV, Table B of the Ocean Plan. Since the suspended solids from the water treatment plant consist of silt from the Mad River that would normally be discharged to the ocean, it is appropriate that the limitations on suspended solids be on a net basis. Thus, the monitoring requirements will be established so as to give credit for suspended solids resulting from water treatment plant operators.
 - c. Settleable Solids. The absence of any limitations on settleable solids will not interfere with compliance with the water quality objectives set forth in Chapter II of the Ocean Plan and will not interfere with compliance with the effluent quality requirements set forth in Chapter IV, Table B of the Ocean Plan.
 - d. Turbidity. The absence of any limitations on turbidity will not interfere with compliance with the water quality objectives set forth in Chapter II of the Ocean Plan and will not interfere with compliance with the effluent quality requirements set forth in Chapter IV, Table B of the Ocean Plan in that the turbidity from the water treatment plant consists of silt and clay from the Mad River that would normally be discharged to the ocean.
 - e. pH. Discharge of effluents with a pH within the range specified herein will not interfere with compliance with the water quality objectives set forth in Chapter II of the Ocean Plan and will not interfere with compliance with the effluent quality requirements set forth in Chapter IV, Table B of the Ocean Plan.
 - f. Chromium and Time Schedule Provision of State Board Resolution No. 74-5. The discharger has presented substantial evidence that compliance with chromium limitations based on Chapter IV, Table B of the Ocean Plan is not possible through application of source controls and the best practicable control technology currently available.

8. On June 21, 1976, the discharger submitted to the Regional Board a request for variance from EPA effluent limits based on fundamentally different factors. The request was supplemented by testimony and evidence presented by the discharger during the course of public hearings before both the Regional Board and the State Board.

Based upon said testimony and evidence, the State Board finds that effluent exceeding the EPA guideline limitations for BOD and pH has substantially no adverse effect on the marine environment when properly diffused; that there will be few if any water quality benefits associated with treatment for BOD or pH, that there will be substantial environmental and energy costs associated with treatment for BOD and/or pH; and that, therefore, under the precedent established by the U. S. Court of Appeals (Fourth Circuit) in its decision in the case of Appalachian Power Company vs. Train, a variance from the EPA guideline limitations is warranted. The State Board therefore grants herein a variance from effluent limitations from EPA guideline limitations for pH and for BOD generated in the pulp mill, subject to final approval of the variance by the Administrator of EPA.

9. EPA has not promulgated an effluent guideline for hydraulic barking operations associated with saw mills. The State Board finds that application of a separate limit based on the EPA Guidelines for the Barking Subcategory of the Timber Products Processing Point Source Category (40 CFR 429.12) for BOD and suspended solids contributed by the sawmill hydraulic barker is appropriate.
10. Except as provided in Finding 8, above, effluent limitations pursuant to Section 301 of the Federal Water Pollution Control Act and amendments thereto are applicable to the discharge. The limits are contained in Code of Federal Regulations.
11. The discharger has requested that limits for BOD as established in Code of Federal Regulations be deleted from requirements for discharge to open ocean waters by diffusers. The State Board finds that adoption of BOD limitations is appropriate to its regulation of discharges to the Pacific Ocean.
12. The State Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written views and recommendations.
13. The State Board in a public hearing heard and considered all comments pertaining to the discharge.

14. The discharger is currently discharging under waste discharge requirements issued by the Regional Board on September 4, 1968, and is monitoring and reporting under Monitoring and Reporting Program No. 74-212 adopted by the Regional Board on December 31, 1974.

IT IS HEREBY ORDERED THAT Louisiana-Pacific Corporation, in order to meet the provisions contained in Division 7 of the California Water Code and regulations and guidelines adopted thereunder, shall comply with the following:

A. Prohibitions

1. The discharge of waste to Humboldt Bay, except as provided under B. 4. of this order, is prohibited.
2. The discharge of waste to shallow groundwaters of the Samoa Peninsula, except in which groundwater is unsuitable for domestic use, is prohibited.
3. The discharge of waste to the Pacific Ocean, except as provided under D. 2. of this order, is prohibited.
4. Discharge of radioactive materials in excess of the limits prescribed in Section 30269 of the California Administrative Code is prohibited.
5. Discharge of any wastewater pollutants resulting from plywood manufacturing which utilizes veneer as a raw material is prohibited.

B. Effluent Limitations

1. The discharge of an effluent to the Pacific Ocean which exceeds the following is prohibited:

| <u>Constituents</u> | <u>Units</u> | <u>30-day^{a/} Average</u> | <u>30-day^{b/} Median</u> | <u>30-day^{c/} 90th %ile</u> | <u>Daily Maximum</u> |
|-------------------------|-----------------------|--|---------------------------------------|--|--------------------------|
| Flow | MGD | 30 | -- | -- | 36 |
| BOD ₅ (pulp) | lbs/day ^{d/} | 9,821 | -- | -- | 18,849 |

- a/ The average of values in any 30 consecutive day period. Compliance will not be determined if fewer than four samples are analyzed.
- b/ The value which is not exceeded in 50 percent of the samples in any 30 consecutive day period. Compliance will not be determined if fewer than four samples are analyzed.
- c/ The value which is not exceeded in 90 percent of the samples in any 30 consecutive day period. Compliance will not be determined if fewer than four samples are analyzed.
- d/ Based on 610 tons per day average annual production.

| <u>Constituents</u> | <u>Units</u> | <u>30-day^{a/} Average</u> | <u>30-day^{b/} Median</u> | <u>90-day^{c/} 90th %tile</u> | <u>Daily Maximum</u> |
|--|-------------------------------------|--|---------------------------------------|---|--------------------------|
| BOD ₅ (Hyd. Barker) | lbs/cu.ft. ^{f/} lbs/day | 0.03 1,500 | -- -- | -- -- | 0.09 4,500 |
| BOD ₅ (Veneer) | lbs/cu.ft. ^{g/} lbs/day | 0.015 283 | -- -- | -- -- | 0.045 849 |
| Suspended Solids ^{e/} (pulp) | lbs/day ^{d/} | 20,008 | -- | -- | 37,088 |
| Suspended Solids ^{e/} (Hyd. Barker) | lbs/ft. ^{f/} lbs/day | 0.144 7,200 | -- | -- | 0.431 21,550 |
| Grease & Oil | mg/l | -- | 10 | 15 | -- |
| pH | within the limits 5.0 and 9.0 | | | | |

2. The discharge of an effluent in excess of the following limits is prohibited: h/i/

| <u>Constituents</u> | <u>Units</u> | <u>50% of time</u> | <u>10% of time</u> |
|---------------------|--------------|------------------------|------------------------|
| Arsenic | mg/l | 0.01 | 0.02 |
| Cadmium | mg/l | 0.02 | 0.03 |
| Copper | mg/l | 0.2 | 0.3 |
| Lead | mg/l | 0.1 | 0.2 |
| Mercury | mg/l | 0.001 | 0.002 |
| Nickel | mg/l | 0.1 | 0.2 |

e/ In addition to the suspended solids in the raw water supply.

f/ Pounds of BOD₅ or suspended solids per cubic foot of wood processed through the hydraulic barker.

g/ Pounds of BOD₅ per cubic foot of production in terms of veneer, if that is the final product of this facility, or per cubic foot of plywood if the veneer is further processed into plywood at this facility.

h/ The maximum allowable daily mass emission rate for each constituent listed in Item 2 above shall be calculated from the total waste flow occurring each specific day and the concentration specified (continued on next page).

| <u>Constituents</u> | <u>Units</u> | <u>50% of time</u> | <u>10% of time</u> |
|--|--------------|------------------------|------------------------|
| Silver | mg/l | 0.02 | 0.04 |
| Zinc | mg/l | 0.3 | 0.5 |
| Cyanide | mg/l | 0.1 | 0.2 |
| Phenolic Compounds | mg/l | 0.5 | 1.0 |
| Total Chlorine Residual | mg/l | 1.0 | 2.0 |
| Ammonia (expressed as nitrogen) | mg/l | 40.0 | 60.0 |
| Total Identifiable Chlorinated Hydrocarbons j/ | mg/l | 0.002 | 0.004 |
| Toxicity Concentration | tu | 1.5 | 2.0 |

3. The discharge of an effluent in excess of the following limits is prohibited: h/i/

| <u>Constituent</u> | <u>Units</u> | <u>50% of time</u> | <u>10% of time</u> |
|--------------------|--------------|------------------------|------------------------|
| Total Chromium | mg/l | 0.005 | 0.01 |

4. The discharge of noncontact cooling water to Humboldt Bay in excess of the following limits is prohibited:

| <u>30-day Average</u> | <u>Daily Maximum</u> |
|---------------------------|--------------------------|
| 22.0°C | 24.0°C |

5. Upon approval by the Administrator of EPA of the finding of "fundamental difference" cited in Finding 8, above, the following limitations shall apply in lieu of the limitations in B. 1., above, for the following parameters. The limitations contained in B. 1. shall continue to apply for all other parameters. Should the Administrator approve a variance but find that limitations other than the following are appropriate, the Regional Board shall revise these waste discharge requirements consistent with the limitations approved by the Administrator.

h/ in waste discharge requirements as that not to be exceeded more than 10 percent of the time. The mass emission rate of the discharge during any 24-hour period shall not exceed the maximum allowable daily mass emission rate.

i/ The maximum allowable monthly mass emission rate for each constituent listed in Item 2 above shall be calculated from the total waste flow occurring in each specific month and the concentration specified in waste discharge requirements as that not to be exceeded more than 50 percent of the time. The mass emission rate of the discharge during any monthly period shall not exceed the maximum allowable monthly mass emission rate.

j/ Total Identifiable Chlorinated Hydrocarbons shall be measured by summing the individual concentrations of DDT, DDD, DDE, aldrin, BHC, chlordane, endrin, heptachlor, lindane, dieldrin, polychlorinated biphenyls, and other identifiable chlorinated hydrocarbons.

| <u>Constituent</u> | <u>Units</u> | <u>30-day Average</u> | <u>Daily Maximum</u> |
|-------------------------|--------------------------------|---------------------------|--------------------------|
| BOD ₅ (pulp) | lbs/day ^{d/} | 48,800 | 97,600 |
| pH | within the limits 3.0 and 10.0 | | |

C. Receiving Water Limitations

1. The discharge shall not cause floating particulates, foam, or grease and oil to be visible.
2. The discharge shall not cause aesthetically undesirable discoloration of the ocean surface.
3. The transmittance of natural light shall not be significantly reduced at any point outside the initial dilution zone.
4. The discharge shall not cause the dissolved oxygen concentration outside the initial dilution zone at any time to be depressed more than 10 percent from that which occurs naturally.
5. The discharge shall not cause the pH outside the initial dilution zone to be changed at any time more than 0.2 units from that which occurs naturally.
6. The discharger shall not cause a violation of any other applicable existing water quality standard for the receiving water adopted pursuant to the Federal Water Pollution Control Act and implementing regulations. If more or less stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act and implementing regulations, the Regional Board shall revise or modify this order in accordance with such more or less stringent standards.
7. In areas where shellfish are harvested, the discharge shall not cause the median total coliform organism concentration to exceed 70 per 100 ml nor shall the total coliform organism concentration exceed 230 per 100 ml 10 percent of the time.
8. The concentration of organic materials in marine sediments shall not be increased above that which would degrade marine life.
9. The discharge shall not cause toxic conditions to exist in the receiving water.

10. The discharge shall not cause the following limits to be exceeded after initial dilution:

| <u>Constituents</u> | <u>Units</u> | <u>50 Per- centile</u> | <u>90 Per- centile</u> | <u>Maximum</u> |
|-----------------------|--------------------------|----------------------------|----------------------------|----------------|
| Grease and Oil | mg/m ² | 10 | 20 | -- |
| Floating Particulates | mg dry wt/m ² | 1.0 | 1.5 | -- |
| Toxicity | Toxicity Units | -- | -- | 0.05 |

D. Provisions

- Neither the treatment nor the discharge of pollutants shall create a pollution or a nuisance as defined by the California Water Code.
- The discharge shall achieve rapid initial dilution and effective dispersion to minimize concentrations of pollutants not removed by treatment. The diffusion system shall provide an initial dilution of effluent with seawater exceeding 100:1 at least 50 percent of the time and exceeding 80:1 at least 90 percent of the time.
- The discharge of noncontact cooling waters shall not elevate the temperature of Humboldt Bay to the detriment of beneficial uses of Humboldt Bay.
- The discharger shall comply with the following time schedules to assure compliance with Effluent Limitations B. 1., B. 2., B. 3., and B. 5. All other provisions of this permit shall be applicable upon adoption.

| <u>Task</u> | <u>Compliance Date</u> | <u>Report of Compliance Due</u> |
|---|------------------------|-------------------------------------|
| <u>Limitations B. 1. and B. 5.</u> | | |
| Commence preparation of plans and specifications for control facilities | April 1, 1977 | April 15, 1977 |
| Compliance | July 1, 1977 | July 15, 1977 |
| <u>Limitations B. 2.</u> | | |
| Progress report | May 1, 1977 | May 15, 1977 |
| Commence construction of control facilities | January 1, 1978 | January 15, 1978 |
| Compliance | July 1, 1978 | July 15, 1978 |

| <u>Task</u> | <u>Compliance Date</u> | <u>Report of Compliance Due</u> |
|---|------------------------|---------------------------------|
| <u>Limitations B. 3.</u> | | |
| Progress report | October 1, 1977 | October 15, 1977 |
| Progress report | July 1, 1978 | July 15, 1978 |
| Progress report | April 1, 1979 | April 15, 1979 |
| Progress report | January 1, 1980 | January 15, 1980 |
| Commence preparation of plans and specifications for control facilities | July 1, 1980 | July 15, 1980 |
| Progress report | April 1, 1981 | April 15, 1981 |
| Commence construction of control facilities | January 1, 1982 | January 15, 1982 |
| Progress report | October 1, 1982 | October 15, 1982 |
| Compliance | July 1, 1983 | July 15, 1983 |

The discharger shall submit to the Regional Board on or before each compliance report date, a report detailing his compliance or noncompliance with the specific schedule date and task.

If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the discharger will be in compliance. The discharger shall notify the Regional Board by letter when he has returned to compliance with the time schedule.

5. The discharger shall notify the Regional Board not later than 180 days in advance of implementation of any plans to alter production capacity of the product line of the manufacturing, producing or processing facility by more than ten percent. Such notification shall include submittal of a new Report of Waste Discharge and appropriate filing fee.
6. The discharger shall file with the Regional Board a Report of Waste Discharge at least 120 days before making any material change or proposed change in the character, location or volume of the discharge.
7. The discharger shall submit to the Regional Board by January 30 of each year, an annual summary of the quantities of all chemicals, listed by both trade and chemical names which are used for cooling and/or boiler water treatment and which are discharged.

The discharger shall submit to the Regional Board each month with the monthly effluent monitoring report a summary of the quantity of chromium contained in any chemicals used which reach the waste stream or which might reach the waste stream in the event of an upset or breakdown.

8. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from his liabilities under federal, state, or local laws other than those adopted pursuant to the Federal Water Pollution Control Act, nor guarantee the discharger a capacity right in the receiving waters.
9. The discharge of any radiological, chemical, or biological warfare agent is prohibited.
10. The discharger shall permit the Regional Board:
 - a. entry upon premises (during normal business hours) in which an effluent source is located or in which any required records are kept;
 - b. access to copy any records required to be kept under terms and conditions of this order;
 - c. inspection of monitoring equipment or records; and
 - d. sampling of any discharge.
11. All discharges authorized by this order shall be consistent with the terms and conditions of this order. The discharge of any pollutant more frequently than or at a level in excess of that identified and authorized by this order shall constitute a violation of the terms and conditions of this order.
12. The discharger shall comply with a Monitoring and Reporting Program issued by the Regional Board Executive Officer and the General Provisions for Monitoring and Reporting and any modifications to these documents as specified by the Regional Board Executive Officer. Monitoring reports shall be submitted to the Regional Board and U. S. Environmental Protection Agency for each month, by the 15th day of the following month, beginning not later than the date specified in the Monitoring and Reporting Program issued by the Regional Board Executive Officer. Monitoring and Reporting Program No. 74-212 shall remain in effect until superseded or revoked.
13. The discharger shall maintain in good working order and operate as efficiently as possible any facility or control system installed by the discharger to achieve compliance with the waste discharge requirements.

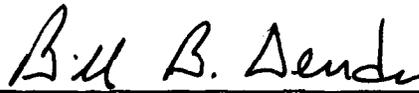
14. Collected screenings, sludges, and other solids removed from liquid waste shall be disposed of at a legal point of disposal, and in accordance with the provisions of Division 7.5 of the California Water Code. For the purpose of this requirement, a legal point of disposal is defined as one for which waste discharge requirements have been prescribed by a Regional Water Quality Control Board and which is in full compliance therewith.
15. After notice and opportunity for a hearing, this order may be terminated or modified for cause, including, but not limited to:
 - a. violation of any term or condition contained in this order;
 - b. obtaining this order by misrepresentation, or failure to disclose fully all relevant facts;
 - c. a change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
16. If a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Federal Water Pollution Control Act, or amendments thereto, for a toxic pollutant which is present in the discharge authorized herein and such standard or prohibition is more stringent than any limitation upon such pollutant in this order, the Regional Board shall conduct a public hearing and consider revising or modifying this order in accordance with such toxic effluent standard or prohibition and so notify the discharger.
17. In the event the discharger is unable to comply with any of the conditions of this order due to:
 - a. breakdown of waste treatment equipment;
 - b. accidents caused by human error or negligence; or
 - c. other causes such as acts of nature;

the discharger shall notify the Regional Board Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate what steps were taken to correct the problem and the dates thereof, and what steps are being taken to prevent the problem from recurring.

18. This order expires five years from the date of adoption and the discharger must file a Report of Waste Discharge in accordance with Title 23, California Administrative Code, not later than 180 days in advance of such date as application for issuance of new waste discharge requirements.
19. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the existence of this order by letter, a copy of which shall be forwarded to the Regional Board.
20. By January 1, 1981, the discharger shall submit to the Regional Board a plan for achieving effluent limitations representing Best Available Technology Economically Achievable as determined by applying the EPA effluent limitations guidelines applicable to this discharge on that date. If the discharger desires a variance for economic reasons under the provisions of Section 301(c) of the FWPCA, such a request, along with all supporting material required by applicable regulations, shall be submitted to the Regional Board by July 1, 1980.
21. This order shall serve as a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Federal Water Pollution Control Act, or amendments thereto, and shall take effect at the end of ten days from the date of adoption hereof, provided the Regional Administrator has no objections.
22. These waste discharge requirements supersede the waste discharge requirements issued by the Regional Board on September 4, 1968.

Certification

I, Bill B. Dendy, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California State Water Resources Control Board on MAR 17 1977



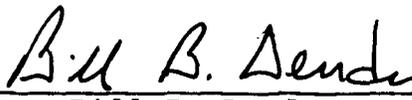
Bill B. Dendy
Executive Officer



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